

**CITY OF EASTPORT
CITY COUNCIL MEETING
WEDNESDAY, AUGUST 10th, 2016
SHEAD HIGH SCHOOL - LIBRARY - 5:30 P.M.**

EXECUTIVE SESSION - 5:30 P.M. TO 6:00 P.M.

<u> </u> <i>Personnel Matters</i>	<i>Title 1 M.R.S.A. § 405(6)(A)</i>
<u> x </u> <i>Real Property or Economic Development</i>	<i>Title 1 M.R.S.A. § 405(6)(C)</i>
<u> </u> <i>Labor Negotiations</i>	<i>Title 1 M.R.S.A. § 405(6)(D)</i>
<u> x </u> <i>Consultation w/Legal Counsel</i>	<i>Title 1 M.R.S.A. § 495(6)(E)</i>
<u> </u> <i>Poverty Abatement Application</i>	<i>Title 36 M.R.S.A. § 841</i>

Those in Attendance: Councilor Roscoe Archer, Councilor Scott Emery, Councilor Jan Finley, Councilor Mary Repole, and Council President, Gilbert Murphy. Also present were City Manager, Elaine Abbott; Legal Counsel, Dennis Mahar; and City Clerk, Ella Kowal.

Council President calls this portion of the meeting to order at 5:30 p.m.

MOTION **REPOLE** **SECOND** **FINLEY** **(PASSED 5-0) TIME: 5:31 P.M.**

To go into Executive Session for Real Property or Economic Development under Title 1 M.R.S.A. § 405(6)(C) and for Consultation with Legal Counsel under Title 1 M.R.S.A. § 405(6)(E).

MOTION **REPOLE** **SECOND** **ARCHER** **(PASSED 5-0) TIME: 5:59 P.M.**

To come out of Executive Session.

REGULAR COUNCIL MEETING

Those in Attendance: Councilor Roscoe Archer, Councilor Scott Emery, Councilor Jan Finley, Councilor Mary Repole, and Council President, Gilbert Murphy. Also present were City Manager, Elaine Abbott; Legal Counsel, Dennis Mahar; and City Clerk, Ella Kowal.

Attendees in the Audience: Kathy Lewis, Ken Johnson, Lora Whelan, Marged Higginson, David Chapais, Anne Stanley, Elizabeth Hastings-Renner, Jon McNerney, Donna Thayer, Gordon Smith, Robert Scott, Greg Golding, Jon Calame, Steve Glatfelter, Dan Butler, Sue Butler, Meg McGarvey, Peter Repole, Earl Small, Damon Weston, Tom Critchley, Aureau Stoll, and Marie Otterback,

I. CALL TO ORDER - Council President called the meeting to order at 6:01 p.m.

Councilor Jan Finley presents a “Rising Star Award” to City Manager, Elaine Abbott, given by the Maine Towns City & County Management Association for managers that have been in the position for fewer than five years with an outstanding performance. Councilor Finley presented the award for Augusta on their behalf as they are holding the awards ceremony this evening and we could not be there as we were holding our regular Council meeting.

II. ACTION from EXECUTIVE SESSION

MOTION REPOLE **SECOND** ARCHER **(PASSED 5-0)**

To table the matter of 7 Hawkes Avenue until further information is received.

MOTION REPOLE **SECOND** FINLEY **(PASSED 5-0)**

To approve the time line as submitted by Tom Humphrey dated 7/16/2016 relative to 21 Middle Street with the City Council to review the progress at their December, 2016 meeting and to have the City's attorney prepare a new agreement.

III. PUBLIC HEARING(S)

Council President opened the public hearings at 6:03 p.m.

Funding for Landfill Remediation Project

The City Manager updates everyone that the DEP has been encouraging the City for a long time to move forward on this as the city's old dump is falling into Broad Cove. Figures are available on this but are awaiting approval from Army Corps of Engineers on the plan. She further comments to say that it is a funded program by DEP with a reimbursement of 90% with the city's portion to be 10% either “in kind” or “cash” which we have exceeded with “in kind” and “materials”. The State pays the City at a rate of \$10,000.00 per quarter until the 90% is paid for. She pursued various options for financing and The First came in at 1.97% for a six year loan which will pay off the cost of the project for an amount of \$241,000.00. Plans are available for review at City Hall. She also informs that once the project is complete, we have been given the opportunity, at “no cost” to the City, to put in a parking lot, a foot boat ramp, and a walking trail. She further notes that picnic tables have been gifted also. Thus, she is asking for Council's approval to move forward with the financing on this project.

Zoning Ordinance Amendment – Section 3.4.2 & Section 6.4.6

The Assessor, Robert Scott, addresses the Council and explains that these changes are to bring them current with the approved amendments to the City Charter. One of which addresses the requirement for posting of public notices and the other matter addresses the change in the statute citation on junk yards.

Jon McNerney of the audience asks the Assessor what the statute says. The Assessor cites Chapter 183, Title 30A, Section 3752 but that he does not have a copy with him to read it.

Adoption of Amendment to the FY2017 School Budget as Submitted

The Superintendent of Schools, Ken Johnson, addresses the Council and the public and explains that the amendment in the school budget is the difference being the additional cost associated with replacing the boiler and that the school budget was amended to absorb that cost that being the only difference between the budget that was adopted by the City Council in June and what they are being asked to adopt again this evening.

He further comments to say that the boiler project is a necessary project. It is evident that it would be very cold in December & January if they did not replace the boiler. The new boiler obviously would replace the old one that specifically services the gymnasium.

He updates that the work has begun on the project and that they are under a time crunch to replace it before cold weather. New pipes have been installed in the gym along with new radiators that hang from the ceiling. However, the boilers themselves have not been installed and they do have a ways to go.

He emphasizes and clarifies that this is the only addition and amendment to the school budget and the purpose of the public hearing tonight is to ask that the City Council act on their request this evening.

With the permission of the Council, he takes any questions brought forth. A question comes from the audience as to how much the increase would be. He responds that the budget in total would increase to \$79,000.00 odd dollars in comparison to the previous year and that represents about six tenths of a mil based on Eastport's City valuation as defined by the State of being around \$133,000,000 or \$135,000,000. Which is reflective of one mil being \$133,000 or \$135,000 and you would just divide the \$79,000.00 by the \$135,000 which is about six tenths of a mil in taxation which would be about \$60.00 on a property valued at \$100,000. A member of the audience asks how they are going about the boiler replacement. Mr. Johnson explains that downstairs in the old boiler room there is an old boiler that is whereby rust is very prominent and the condition is very poor. In addition to that, the State failed it during inspection. He references that it is a 1962 or 1963 Vintage which is in excess of 50 years old. Preparation for a concrete footing is taking place out behind the high school and the school is using \$10,000 that it had set aside for a capital project of this nature to have the footing poured and to erect a wooden 3-sided lean-to style addition to the back of the gym which will house the new boilers. He further comments to say that housing the new boilers there will provide a service access door on one end and will allow the new boilers to be installed quicker and easier and to be serviced more accessibly. He

continues to say that they will not be removing the old one from downstairs as it is a very large undertaking. The new boilers will be installed to the small addition in back of the gym. They will be hot water rather than steam. He is informed that the hot water does not carry as many of the BTU's as the steam did which meant installing two new radiators to project heat out into the gym which is a very large space. While they have been waiting for the structure to be built on the back of the gym, work has proceeded on with new piping and installation of new radiators in the gym and wherever possible, they are recycling materials. They recently purchased a pipe threader to facilitate such recycling. The work that has begun will continue to pick up into the Fall. Although it is a necessary course of action, it is the most cost effective.

Jon McNerney from the audience asks Mr. Johnson who is doing the work. Mr. Johnson responds that the labor has been donated by the Eastport Port Authority and that Richard Clark is responsible for handling the labor.

Steve Glatfelter from the audience asks Mr. Johnson if the capital funds are restricted by law as to how much is permitted to be set aside for the year for such capital projects. Mr. Johnson responds that there is nothing to what is set aside for capital projects but that there is a general restriction what the State calls loosely the "3% rule". Which means that they don't want more than 3% undesignated and prefer that it be designated somehow. He further comments to say that there is not a limit as to how much can be designated. For example, when the budget is spent out during the course of the year; whatever is left that is unexpended goes into the general fund. He continues further to say that the School Board can designate as much or as little as they want for capital improvement. Hypothetically, if there is \$30,000 left at the end of the year; they can say to the auditor that we are going to designate \$25,000 for capital repair and that there is no limit on how much money they can designate for those things and that the only limitation is how much money is available. Mr. Glatfelter asks for clarification that at the end of the year, what is left must go into the general fund and Mr. Johnson responds that is a financial rule and it is tracked by the auditor. Whatever is not expended and you do not designate it to something else, it goes into the general fund. Mr. Glatfelter comments to say that the reason he asks this is that the problem with the boiler has been ongoing. Mr. Johnson speaks to the \$10,000.00 that he mentioned earlier, which is being used to fund the project of the addition to the gym is where that money is coming from. The board in recent years were able to designate some money aside for that purpose. The \$10,000.00 comes from them being able to set some money aside in previous years. He continues to say it is challenging for the School Board as they try to keep taxes down as much as possible too. Theoretically, if they were able to put \$5,000.00-\$10,000.00 on a line for capital renewal; it will increase the budget by that much and expresses it is a difficult job that the School Board has in allocating scarce resources and to also have to prioritize. It is a challenge. Mr. Glatfelter understands those tasks, but comments to say that maybe setting aside \$10,000 over the course of four or five years would have assisted in this expense. Mr. Johnson responds he understands that feels that the School Board would agree also but that they are trying to keep the overall budget down.

Donna Thayer from the audience asks if the boilers would work harder if they are housed in the cold. Council President, Gilbert Murphy, responds that one side is up against the gym. Ms. Thayer then asks about the insulation. Mr. Johnson comments to say that the three exterior walls can be insulated, but that the thermostatic controls are inside which is what controls whether the boiler is on or off and any boiler has ambient heat.

Council President, Gilbert Murphy, calls for further questions; there were none and declares the public hearings closed at 6:26 p.m.

IX. ACTION ON PUBLIC HEARING(S)

MOTION REPOLE SECOND ARCHER (PASSED 5-0)

To approve funding for the Landfill Remediation Project on Deep Cove Road and to also authorize the City Manager to move forward with securing financing for an amount of \$241,000 on a 6-year loan with The First bank at an interest rate of 1.97%.

MOTION REPOLE SECOND FINLEY (PASSED 5-0)

To authorize and approve the Zoning Ordinance amendments as presented as submitted to reflect a change to Section 3.4.2 (*General Provisions/Public Hearings*) to the posting of notices from six places to at least three public places and to also include posting online via: the City website with the 48-hour requirement; and to also reflect a change to Section 6.4.6 (*Performance Standards/Auto Graveyards/Junkyards*) to include reference/citation of Chapter 183, Title 30A, § 3752, et seq. as amended by the State.

MOTION ARCHER SECOND REPOLE (PASSED 5-0)

To approve and authorize the adoption of an amendment to the FY2017 school budget as presented for a total budget of \$4,597,910.00, of which \$2,409,690.00 is education the amount to be raised by taxes \$3,091,179.00 and to approve a Sewer budget of \$373,100.00 as proposed and submitted.

V. OPEN PUBLIC FORUM

Council President opens the floor at 6:29 p.m. for Open Public Forum.

Jon McNerney from the audience addresses the Council with a question relative to an update of when the engineers will be at a meeting to give a briefing on the WWTP. The City Manager responds that they will be at the September 14th, 2016 Council meeting. He further asks Council what the City's relationship is with Millenium Marine and if he is still in operation. The Council President responds that it is in litigation and is being handled through the City's attorney and Mr. Guimond's attorney. As for whether he is in operation or not, we are unsure but that we know he is still there. His last question is the Wastewater Treatment plant manager using a city vehicle as a personal vehicle. The City Manager responds "no".

Council President declares Open Public Forum closed.

VI. ADJUSTMENTS TO AGENDA

MOTION FINLEY **SECOND** REPOLE **(PASSED 5-0)**

To approve adjustments to the agenda to add “o” *Change of Funding Source for the Retaining Wall Downtown from Capital Improvement to the Mill Account* under Item VIII and to also add “p” *Approval to Purchase a 1987 International Pumper Truck with Capital Improvement funds not to exceed \$23,000.00* under Item VIII.

VII. UNFINISHED BUSINESS

City Hall Move to 22 Washington Street

Councilor Repole begins by saying that she has asked that this be placed on the agenda as we have been dealing with this for a number of years now and that a public hearing has been held and that it is going to cost \$60,000 to \$70,000 to repair the current location of City Hall.

Councilor Archer asks if the current location of City Hall at 78 High Street is going to be put up for sale. The Council President responds that this will be a matter to be taken up as a separate item at another time.

Jon McNerney of the audience asks what the anticipated cost of the move will be. Council President responds somewhere between \$5,000-\$7,000.

MOTION REPOLE **SECOND** FINLEY **(PASSED 4-1)**

Councilor Emery Voted “NO”

To authorize and approve to begin the process to get City Hall moved down to 22 Washington Street and to work with ORPC to vacate the space.

Handicap Parking

MOTION FINLEY **SECOND** ARCHER **(PASSED 5-0)**

To approve a total of four handicap parking signs one to be across the street from the Quoddy Tides, two in the downtown area on Water Street, and then another at the corner of Water Street and Dana Street.

VIII. NEW BUSINESS

a) Opening & Award of Bid for Sale of City Property – 5 South Street

(One Bid Received)

MOTION REPOLE **SECOND** FINLEY **(PASSED 5-0)**

To table this until the matter of personal property/contents of the building has been resolved.

MOTION REPOLE **SECOND** FINLEY **(PASSED 5-0)**

To amend the previous motion to include that the one bid received will be held and put in the safe with regard to the sale of 5 South Street.

b) Opening & Award of Bid for Sale of City Property - 3 Willow Street
Tax Map I7-0C2-33 & Tax Map I7-0D2-02 (Sold as one Lot)

(No Bids Received)

MOTION REPOLE **SECOND** FINLEY **(PASSED 5-0)**

To table this as there is a tax map reference that needs to be resolved.

c) Opening/Award of Bid for Sale of City Property - 47 Third Street – Tax Map I7-0D1-10

(No Bids Received)

Council President recognizes that no bids were received. A member of the audience addresses the Council and suggests tearing it down. Council President comments to say that it will come up again for Council consideration.

d) Donation of Police Vehicle to the Airport Association

MOTION ARCHER **SECOND** FINLEY **(PASSED 5-0)**

To authorize and approve donating the 2006 Ford Crown Vic referencing VIN #2FAFP71W76X118323 over to the Airport Association of Eastport, Maine.

e) City Right of Way – Pleasant Street – Andrea Linton

MOTION REPOLE **SECOND** ARCHER **(PASSED 5-0)**

To approve the agreement as amended at the request of the City Council for the City Right of Way on Pleasant Street for Andrea Linton and prepared and submitted by the City's legal attorney and that Council also authorizes the City Manager and the Lintons to move forward with the appropriate signatures.

f) Authorization to Sign Off on the Engineering Permitting for Construction of Airport SRE/Terminal Building

The City Manager reminds Council that they voted back in March of 2016 to move forward with the project of the snow removal equipment and terminal building out at the airport. She further comments to say that the figures evolve between DOT and airport consultants (Hoyle and Tanner) and have come within 10% of their estimates. She further comments to say that the engineering permitting is \$289,818.00 of which the City will pay 5%, Maine DOT will pay 5%, and the FAA pays 95%. Authorization from Council is required for the City Manager to sign the construction agreement. The City Manager emphasizes that this is just for permitting, design, and engineering. Jon McNerney makes reference that there should be a long range plan. The City

Manager responds that there is and it is referred to as a CIP Plan and that it has been recently updated by Hoyle and Tanner. She believes the runway to be two years out. She recognizes that these amounts are significant and that they do have a big impact. She continues further to remind everyone that the airport was made an enterprise fund a few years back and to date it does not appear that they are able to be self supporting or self sufficient when it comes to these larger plans. Thus, the City is going to have to look at something as a long range plan. She then explains that each time you sign for an FAA grant, it extends the City holding to them for an additional 20 years.

MOTION REPOLE **SECOND** FINLEY **(PASSED 4-1)**

Councilor Emery Voted "NO"

To authorize the City Manager to sign off on the Engineering Permitting for the project of Construction of the Airport SRE/Terminal Building.

g) Overlay – DMR Closure Half Moon Cove (requested by Shellfish Committee)

The City Manager addresses the Council and explains that this request comes before them and recommended by the Shellfish Conservation Committee. They met with several representatives from the Department of Marine Resources and have indicated that Half Moon Cove may be open for the first time to clamming in decades. The Department of Marine Resources has suggested that the City do an Overlay Conservation Closure whereby should DMR says that Half Moon Cove is open, it gives the Shellfish Conservation Committee time to survey the flats and come to the Council with their recommendations. This nothing other than an overlay to DMR's closure that allows the Shellfish Conservation Committee to take a good look at what is out there as no one has been able to dig for a long time.

MOTION REPOLE **SECOND** FINLEY **(PASSED 5-0)**

To approve and authorize an overlay to the Department of Marine Resources' closure of Half Moon Cove as submitted and recommended by the Eastport Shellfish Conservation Committee.

h) Sign for Municipal Parking – Rinaldi (requested by Councilors Finley & Emery)

Council President comments to say that the location for such request is the "Rinaldi" lot just above the post office. Councilor Emery and Councilor Finley brings forth this request to Council. The City Manager further expounds to say that it is a two-sided sign and that the Historic Review Board has given a Certificate of Appropriateness and that it will be 24x24 in size. It will be mounted on a metal post and the sign will hopefully help alleviate some of the parking downtown

MOTION REPOLE **SECOND** ARCHER **(PASSED 5-0)**

To authorize the placement of Municipal Parking sign downtown to be located at the "Rinaldi" lot just above the post office and that it will be mounted to a metal DOT type post.

i) Municipal Fuel Bid - FY2017

MOTION EMERY **SECOND** ARCHER **(PASSED 5-0)**

To approve the advertising and authorizing putting out to bid for the FY2017 Municipal Heating Fuel,

Council President asks the City Manager to speak to the next three items of the agenda. She responds to say that the cost of these projects are over the amount she is able to approve and that they need Council approval. She also notes that it will come out of the Public Works budget. Gordon Smith from the audience addresses Council and the City Manager to say that the storm drain at the corner of Key and High needs to be tended to also.

j) Clean Out of "All" Catch Basins

The City Manager updates Council that this has not been done for about 3-4 years and that the City does not have the proper equipment to do it and that the Public Works Department will be assisting with this should it be approved.

MOTION FINLEY **SECOND** REPOLE **(PASSED 5-0)**

To authorize the clean out of *all* catch basins and to render the services through PSC Industrial Outsourcing, LPout of Bangor, Maine as quoted to include labor support from the City's Public Works department for a cost not to exceed \$3,800.00 to be expended out of the Public Works budget.

k) Repair of Toll Bridge Road – Culverts - \$10,000.00

The City Manager explains that there is a dry stone culvert that runs the length of Toll Bridge Road and that the water is running underneath the asphalt and it is causing the stone to become loose which is resulting in both sides of Toll Bridge Road to drop and collapse.

MOTION FINLEY **SECOND** REPOLE **(PASSED 5-0)**

To authorize the repair of culverts on Toll Bridge Road for a cost not to exceed \$10,000.00 to be expended out of the Public Works Budget.

l) Repair of Deep Cove Road – Culverts - \$4,000.00

The City Manager updates Council that the culvert on Deep Cove Road is just about collapsed and its location is down by the guard rails where the dip is.

MOTION FINLEY **SECOND** REPOLE **(PASSED 5-0)**

To authorize the repair of culverts on Deep Cove Road for a cost not to exceed \$4,000.00 to be expended out of the Public Works Budget.

m) Council Liaison/Manager Updates

The City Manager thanks everyone for their participation of the community garden at City Hall and makes mention of donations of plants from Scott Emery and Dale Maddocks and other various donations. She also recognizes and thanks Robert Scott for the weeding. She continues everyone who has contributed as it is a community effort and that everyone has been able to partake of the vegetables not only grown at City Hall but by those who have donated them for the taking.

She continues to say that we have been busy with infrastructure projects. We are currently focusing on replacing culverts in December on Kendall Road, Deep Cove Road, and Toll Bridge Road and that the City will appreciate the community's patience as we get under way on these projects.

She also updates that Bike Maine will be arriving on September 13th and departing on the 15th with an influx of 475 people and that it is a great economic opportunity for our businesses and community.

The annual report information is currently being compiled and due to the increasing costs of printing, it will be placed on the City website. She also notes that several hard copies will be at City Hall and will be available to loan out.

She updates Council that the Comprehensive Plan Committee has started the process of creating an updated plan for the City that will cover the next decade or so. She reminds everyone that the meetings are public and encourages attendance as it is an important process that affects us all.

MOTION REPOLE **SECOND** FINLEY **(PASSED 4-1)**
Councilor Archer Voted "NO"

To accept the report as given and presented by the City Manager.

The City Manager also reminds everyone that a Public Hearing has been scheduled to be held on Friday, August 19th, 2016 at 4:00 p.m. at Shead High School in the Library for discussion of presenting a proposal to IF&W from the Deer Committee for a Special Hunt for Antlerless Deer and that copies of the proposals are available for review.

n) Council Approval of Consent Agenda

MOTION FINLEY **SECOND** REPOLE **(PASSED 5-0)**

To approve the Consent Agenda as submitted.

o) Change of Funding Source for the Retaining Wall Downtown from Capital Improvements Funds to Mill Account

MOTION REPOLE **SECOND** FINLEY **(PASSED 5-0)**

To change the funding source for the retaining wall downtown by the Quoddy Tides from Capital Improvement funds to the infrastructure account at the mill.

p) Approval to Purchase 1987 International Pump Truck with Capital Funds Not to Exceed \$23,000.00

MOTION REPOLE **SECOND** FINLEY **(PASSED 5-0)**

To approve the purchase of a 1987 International Pumper Truck for an amount not to exceed \$23,000.00 from K&T Fire Equipment of Island Falls, Maine and that the funds will be expended from Capital Improvement. It is also understood that this purchase comes with a one year limited warranty for parts and labor against mechanical defects and it will also come with lettering.

IX. COUNCIL ISSUES - THERE WERE NONE

X. ADJOURN

MOTION ARCHER **SECOND** FINLEY **(PASSED 5-0) TIME: 6:57 P.M.**

To adjourn.